

REMARKS/ARGUMENTS

Reconsideration and allowance of the subject application are respectfully requested.

Applicant notes with appreciation the Examiner's allowance of claims 12-17 and the indication of allowable subject matter in claims 9-11 and 26-32. For the reasons set forth below, all claims are believed to be allowable.

The Examiner rejects claims 1-4 and 18-25 under 35 U.S.C. 102(e) as being anticipated over commonly-assigned U.S. patent 6,011,944 to Cedervall et al. Claims 5-8 (and presumably claims 22-25) stand rejected under 35 U.S.C. 103 as being unpatentable over commonly-assigned Cedervall in view of U.S. patent 6,758,228 to Dunn et al. These rejections are respectfully traversed.

With respect to the §103 rejection, Applicants respectfully submit that commonly assigned Cedervall is not prior art under §§102(e), (f), or (g) for purposes of determining non-obviousness. As recited in 35 U.S.C. §103(c):

Subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability of this section when the subject matter and the claimed invention were at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Here, the subject matter of Cedervall and the claimed invention were, at the time the invention was made, owned by Telefonaktiebolaget LM Ericsson or were subject to an obligation of assignment to Telefonaktiebolaget LM Ericsson. Second, even if the combination of Cedervall and Dunn could be made, that combination fails to disclose the features recited in the independent claims 1 and 18.

Independent claim 1 incorporates the subject of dependent claim 5, and independent claim 18 incorporates the analogous subject matter of dependent claim 22. Both claims 1 and 18 specify that the cell location information used to determine a location of the mobile radio “includes information defining one or more boundaries of a coverage area corresponding to each of the cells.” This feature is clearly not taught by Cedervall.

Cedervall determines the position of the mobile terminal by first determining the distance to at least three base stations. Once those three distances are known, a triangulation algorithm is used to determine the mobile station's position. See Cedervall's abstract. There is no teaching in Cedervall of determining one or more boundaries of a coverage area corresponding to each of the plural cells in a set of cells associated with the mobile radio as recited in both claims 1 and 18. Nor is there any use of that cell coverage area of boundary information in Cedervall to determine the location of the mobile radio. The boundaries of the cell coverage areas are not the same as the distance to the base station which is what Cedervall uses.

Dunn is no help to Cedervall because Dunn determines the mobile's position by (a) the mobile receiving range signals transmitted by various range transceivers 30, (b) determining differences in arrival times of those range signals, and then (c) determining the mobile's position based on those differences in conjunction with the positions of the range transceivers. These range transceivers 30 are in addition to the base stations cell site transceivers 14 as explained in the "operation description" starting in column 15.

Like Cedervall, Dunn does not use cell coverage area boundary information to determine the location of the mobile radio. Instead, Dunn uses the specifically known location of a range transceiver to assist in time of arrival/triangulation calculations to determine the mobile station's position. With regard to the Examiner's reference to column 15, lines 25-30, the coordinate

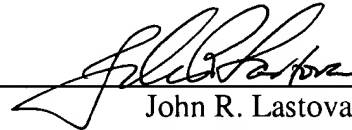
boundaries of the "user zones" are not used to determine the mobile station's location. Instead, Dunn uses those user zones to determine whether the mobile station is within a particular user zone for billing information. Those user zones are not used to determine the location of the mobile radio. Indeed, the *mobile's location is already determined* when the user zone determination is made. See column 15, line 1 – column 18, line 8.

Thus, Cedervall alone or in combination with Dunn fails to disclose or suggest are the invention defined in independent claims 1 and 18. The application is in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



John R. Lastova
Reg. No. 33,149

JRL:lcb
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100